

IN THE MATTER OF
THE APPLICATION OF
FAUST HOMES, et al.
FOR A VARIANCE ON PROPERTY
LOCATED ON THE SOUTHEAST SIDE
OF SNOWBERRY COURT, 425' E
OF WHITEPINE COURT (33 SNOW-
BERRY COURT)
8TH ELECTION DISTRICT
3RD COUNCILMANIC DISTRICT

BEFORE
COUNTY BOARD OF APPEALS
OF
BALTIMORE COUNTY
CASE NO. 90-253-A

ORDER

Upon consideration of Protestants' Motion to Amend the February 12, 1990 Order of the Deputy Zoning Commissioner and Petitioner's Response hereto, it is this 10th day of September, 1990,

ORDERED, That the Order of the Deputy Zoning Commissioner for Baltimore County, dated February 12, 1990, Case No. 90-253-A, shall be amended as follows:

(a) That the Petition for zoning variance to permit a distance between facing windows of 30' in lieu of the required 40' and an amendment to the final development plan of Hunters Run, Block A, Lot 160, accordingly, in accordance with Petitioner's Exhibit No. 1, be and is hereby GRANTED, subject, however, to the following restrictions:

1. The variance granted herein is limited to the installation of one window only, in the dining room area.
2. Petitioners shall at all times have curtains, shades or blinds in the dining room window so as to insure the privacy of both the Petitioners and the Brehms.

FAUST HOMES, et al, Case No. 90-253-A

3. The terms of this settlement agreement shall enure to the heirs and assigns of all parties hereto.

COUNTY BOARD OF APPEALS
OF BALTIMORE COUNTY

William T. Hackett
William T. Hackett, Chairman

Harry E. Buchheiser, Jr.
Harry E. Buchheiser, Jr.

Robert Clark
C. William Clark

IN RE: PETITION FOR ZONING VARIANCE
SE/S Snowberry Court, 425' E
of Whitepine Court
(33 Snowberry Court)
8th Election District
3rd Councilmanic District
Faust Homes, et al
Petitioner

BEFORE THE
DEPUTY ZONING COMMISSIONER
OF BALTIMORE COUNTY
Case No. 90-253-A

FINDINGS OF FACT AND CONCLUSIONS OF LAW

The Petitioner herein requests a variance to permit a distance between facing windows of 30 feet in lieu of the required 40 feet and an amendment to the Final Development Plan of Hunters Run, Block A, Lot 160 accordingly, in accordance with Petitioner's Exhibit 1.

At the time of filing the Petition, Doctors Brad and Lori A. Trommer were the Contract Purchasers and Faust Homes was the legal owner. Settlement on the property has since occurred and the Trommers are now the legal owners. At the hearing, the Petitioners, by Lauri A. Trommer, M.D., appeared, testified and were represented by Bebe George, Esquire. Appearing as a Protester in the matter was Dr. Raymond Brehm, adjoining property owner.

Testimony indicated that the subject property, known as 33 Snowberry Court, consists of 3,375 sq. ft. zoned D.R. 3.5 and is improved with a single family end-of-group dwelling unit. Petitioners are desirous of having windows placed in the south side of the dwelling to provide additional air and light. Testimony indicated that prior to purchasing the subject property and filing the instant variance petition, Petitioners contacted the adjoining property owners on the affected side, Dr. and Mrs. Raymond Brehm, to discuss their approval and if they had no objections, requested they sign a consent form permitting the installation of windows.

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Date 10/10/90
By [Signature]

The Brehms subsequently signed the form, introduced as Petitioner's Exhibit 2, on September 18, 1989. The Brehms consented to the variance request and indicated they believed the additional windows would "...enhance the appearance of the house, as well as the entire development..." Petitioners testified that their purchase of the subject property was based upon their discussion with the Brehms. Petitioners were not aware that Dr. Brehm objected to the windows until his appearance at the hearing on December 20, 1989. Petitioners testified as to the benefit the windows provide to the community by increasing the value of their home in addition to the enjoyment they bring to Petitioners by permitting additional air and light into their home. Dr. Trommer testified that the windows will be dressed with either curtains and/or shades to permit privacy between both homes as the adjoining home owned by Dr. Brehm and his wife have a window on the affected side also. Petitioners argued that denial of the variance will result in practical difficulty to them and that the granting of the variance would not be detrimental to the health, safety or general welfare of the community.

Dr. Brehm appeared and testified in opposition. He conceded that prior to the Petitioners' purchase of the subject property, he had advised them he had no objections to the requested variance and had not advised them of any change in his position until his appearance at the hearing. He testified that as the house was completed both homes having windows facing one another would interfere with their respective privacy. It was therefore his opinion that the variances requested should be denied.

In rebuttal, Petitioners' Counsel stated that Dr. Brehm should not now be permitted to withdraw his consent. She testified that Petitioners originally planned to have skylights installed; however, upon obtain-

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ing the approval of the Brehms of the instant variance, their request for skylights was withdrawn. As noted at the hearing, the contractual rights, if any, between the parties are not subject to this matter and the decision must be made based upon the criteria set forth in the Baltimore County Zoning Regulations (B.C.Z.R.).

An area variance may be granted where strict application of the zoning regulations would cause practical difficulty to the Petitioner and his property. *McLean v. Soley*, 270 Md. 208 (1973). To prove practical difficulty for an area variance, the Petitioner must meet the following:

- 1) whether strict compliance with requirement would unreasonably prevent the use of the property for a permitted purpose or render conformance unnecessarily burdensome;
- 2) whether the grant would do substantial injustice to applicant as well as other property owners in the district or whether a lesser relaxation than that applied for would give substantial relief; and
- 3) whether relief can be granted in such fashion that the spirit of the ordinance will be observed and public safety and welfare secured.

Anderson v. Bd. of Appeals, Town of Chesapeake Beach, 22 Md. App. 28 (1974).

It is clear from the testimony that if the variance is granted, such use as proposed would not be contrary to the spirit of the B.C.Z.R. and would not result in substantial detriment to the public health, safety, and general welfare.

Pursuant to the advertisement, posting of the property, and public hearing on this Petition held, and for the reasons given above, the variance requested should be granted.

WHEREFORE, IT IS ORDERED by the Deputy Zoning Commissioner for Baltimore County this 10th day of February, 1990 that the Petition for

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By [Signature]

Zoning Variance to permit a distance between facing windows of 30 feet in lieu of the required 40 feet and an amendment to the Final Development Plan of Hunters Run, Block A, Lot 160, accordingly, in accordance with Petitioner's Exhibit 1, be and is hereby GRANTED, subject, however, to the following restriction:

- 1) The Petitioners are hereby made aware that proceeding at this time is at their own risk until such time as the 30-day appellate process from this Order has expired. If, for whatever reason, this Order is reversed, the Petitioners would be required to return, and be responsible for returning, said property to its original condition.
- 2) The variance granted herein is limited to the installation of two windows only, one in the loft area and one in the dining room.
- 3) Petitioners shall at all times have curtains, shades or blinds in the side windows so as to insure the privacy of both the Petitioners and the Brehms.

ANN:bjs

ANN M. NASTAROWICZ
Deputy Zoning Commissioner
for Baltimore County

ORDER RECEIVED FOR FILING
Date 10/10/90
By [Signature]

PETITION FOR ZONING VARIANCE
TO THE ZONING COMMISSIONER OF BALTIMORE COUNTY: 90-253-A

The undersigned, legal owner(s) of the property situated in Baltimore County and which is described in the description and plat attached hereto and made a part hereof, hereby petition for a Variance from Section 1801-2.0.C.1.b. (F.A.S.C. Code) To allow a distance between facing windows of 30 ft. in lieu of the required 40 ft. and to amend the Final Development Plan of Hunters Run, Block A, Lot 160 (Section 1, Plat 2) to allow same.

of the Zoning Regulations of Baltimore County, to the Zoning Law of Baltimore County; for the following reasons: (Indicate hardship or practical difficulty)

PLEASE REFER TO ATTACHED EXHIBIT "A"

Property is to be posted and maintained as prescribed by Zoning Regulations.

I, or we, agree to pay expenses of above Variance advertising, posting, etc., upon filing of this petition, and further agree to and are to be bound by the zoning regulations and restrictions of Baltimore County adopted pursuant to the Zoning Law for Baltimore County.

I/We do solemnly declare and affirm, under the penalties of perjury, that I/we are the legal owner(s) of the property which is the subject of this Petition.

Contract Purchaser: Brad A. Trommer, M.D. & Lori A. Trommer, M.D. (Type or Print Name) Signature: [Signature] Address: 5 S. Teacher Court Baltimore, Md. 21294 City and State	Legal Owner(s): FAUST HOMES (Type or Print Name) Signature: [Signature] (Type or Print Name) Signature: Address: 7 Lincoln Street Tilmanus, Maryland 21093 City and State Attorney for Petitioner: [Signature] REBE GEORGE, ESQ. (Type or Print Name) Signature: [Signature] Address: 7 Lincoln Street Tilmanus, Maryland 21093 City and State Attorney's Telephone No.: 252-3163	Name, address and phone number of legal owner, contract purchaser or representative to be contacted: Bebe GEORGE, ESQ. Address: 7 Lincoln St. - 252-3163 Tilmanus, Md. 21093 Phone No.
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ORDERED By the Zoning Commissioner of Baltimore County, this 11th day of February, 1990.

that the subject matter of this petition be advertised, as required by the Zoning Law of Baltimore County, in two newspapers of general circulation throughout Baltimore County, that property be posted, and that the public hearing be held before the Zoning Commissioner of Baltimore County in Room 104, County Office Building in Towson, Baltimore County, on the 10th day of February, 1990, at 2 o'clock P.M.

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By [Signature]

J. Robert Hines
Zoning Commissioner of Baltimore County

ATTACHMENT TO PETITION FOR ZONING VARIANCE

PROPERTY KNOWN AS: 33 SNOWBERRY COURT, HUNT VALLEY STATION, HUNT VALLEY, MD. 21030

A. UNDUE HARSHSHIP
1. APPLICANT IS UNABLE TO MAKE ANY REASONABLE USE OF HIS PROPERTY, DUE TO THE NEED FOR A WINDOW IN THE LOFT AREA OF HIS HOME, AND IN THE DINNING ROOM.

2. THE LACK OF SUFFICIENT WINDOWS WILL PROMOTE ILL HEALTH THROUGH THE FOLLOWING MECHANISMS:

1. DECREASING AVAILABLE SUNLIGHT MAY PROMOTE CERTAIN CHEMICAL CHANGES IN THE BRAIN, LEADING TO DEPRESSION. BODY STORES OF VITAMIN D BY DECREASING SYNTHESIS OF THE VITAMIN PRECURSOR FOUND IN THE SKIN.
2. AVAILABILITY OF SUNLIGHT MAY PLAY A ROLE IN SEXUAL AND REPRODUCTIVE FUNCTION.
3. SHORTAGE OF FRESH AIR WILL RESULT IN SLUGGISH BEHAVIOR.

2. THE DIFFICULTIES AND HARSHSHIP ARE PECULIAR TO THE SUBJECT PROPERTY, IN CONTRAST WITH OTHER PROPERTIES IN THE ZONING DISTRICT.

3. OTHER PROPERTIES IN THE ZONING DISTRICT, WHICH ARE THE EXACT SAME MODEL, KNOWN AS THE "HOMERIDGE", DO HAVE WINDOWS BOTH IN THE DINNING ROOM AND THE LOFT AREA OF THE HOMES.

4. A WINDOW IS NEEDED IN THE LOFT AREA AND THE DINNING ROOM, SO AS TO PROVIDE AN ADDITIONAL ROUTE OF EGRESS IN THE EVENT OF FIRE OR EMERGENCY.

5. THE ADDITIONAL WINDOWS WILL ALLOW OBSERVANCE OF SMALL CHILDREN PLAYING OUTSIDE, THEREBY PROVIDING AN EXTREMELY IMPORTANT SAFETY FACTOR.

6. THE ADDITIONAL WINDOWS WILL PROVIDE THE ABILITY TO OBSERVE A BROADER AREA OF THE SUBJECT PROPERTY AS WELL AS ADJACENT PROPERTIES, IN THE EVENT OF EMERGENCY SITUATIONS, CRIMINAL ACTIVITY, OR FIRES, THEREBY REDUCING THE DANGER FACTOR FOR THE ENTIRE COMMUNITY.

EX. A

1. THE ADDITIONAL WINDOW WILL MAKE THE APPROPRIATE LIVING AREAS BIGGER, BRIGHTER, AND MORE LIVABLE, AND THUS ELIMINATE THE INDUSTRIAL OR PRISON-LIKE ATMOSPHERE.

2. THE ADDITIONAL WINDOW WILL PROVIDE A MORE EQUITABLE SITUATION, IN THAT IT WILL CAUSE THE VALUE OF THE SUBJECT PROPERTY TO BE ON AN EQUAL PAR WITH THE SAME MODEL PROPERTIES IN THE AREA.

3. PERMITTING THE INSTALLATION OF A WINDOW IN THE LOFT AREA OF THE SUBJECT PROPERTY WILL ALLOW THE ENTRANCE OF SOLAR ENERGY, AND THEREBY MINIMIZE HEATING COSTS, AND CONSERVE ENERGY.

4. THE HARDSHIP IS NOT THE RESULT OF APPLICANT'S OWN ACTIONS.

B. PRACTICAL DIFFICULTY

1. TO REQUIRE STRICT COMPLIANCE WOULD UNREASONABLY PREVENT THE USE OF THE PROPERTY FOR A PERMITTED PURPOSE.

a. THE REQUIREMENT OF STRICT COMPLIANCE WOULD RENDER PERFORMANCE UNNECESSARILY BURDENSOME.

2. THE GRANTING OF THIS REQUEST WILL GIVE SUBSTANTIAL RELIEF TO THE APPLICANT, WITHOUT ADVERSELY AFFECTING OTHER PROPERTY OWNERS IN THE AREA.

a. THE DENIAL OF THIS REQUEST WOULD DO SUBSTANTIAL INJUSTICE TO THE APPLICANT.

3. RELIEF CAN BE GRANTED SO THAT THE SPIRIT OF THE ORDINANCE WILL BE OBSERVED, WITHOUT ANY INJURY TO PUBLIC HEALTH, SAFETY, AND GENERAL WELFARE.

7/5/89
DATE
9/5/89
DATE

RESPECTFULLY SUBMITTED,
BRAD A. TROMMER, M.D.
LORI A. TROMMER, M.D.

EXHIBIT 2

WE, THE UNDERSIGNED, RAY AND TRACY BREHM, HEREBY CONSENT TO THE INSTALLATION OF WINDOWS IN THE LOFT AREA AND DINING ROOM OF THE PROPERTY KNOWN AS 33 SNOWBERRY COURT, HUNT VALLEY STATION, HUNT VALLEY, MARYLAND 21030.

WE ARE THE OWNERS AND RESIDENTS OF THE PROPERTY KNOWN AS 33 SNOWBERRY COURT, WHICH IS DIRECTLY OPPOSITE THE SUBJECT PROPERTY. WE DO NOT OPPOSE THE GRANTING OF A VARIANCE TO THE CONTRACT PURCHASERS OF THE SUBJECT PROPERTY, WHO ARE DR. BRAD TROMMER, AND DR. LORI TROMMER, HIS WIFE.

THE SUBJECT PROPERTY IS PRESENTLY UNDER CONSTRUCTION, AND WE FEEL THAT THE INSTALLATION OF WINDOWS IN THE LOFT AREA AND DINING ROOM AREA WILL SERVE AS AN ADVANTAGE TO US, AS WELL AS TO THE ENTIRE COMMUNITY.

THE ADDITIONAL WINDOWS WILL SERVE TO ENHANCE THE APPEARANCE OF THE HOUSE, AS WELL AS TO THE ENTIRE DEVELOPMENT, AND WILL ALSO AFFORD ADDITIONAL ADVANTAGES RELATING TO SECURITY, AS WELL AS SAFETY FACTORS.

WE FAVOR THE GRANTING OF THE VARIANCE TO INSTALL WINDOWS IN THE LOFT AREA AND THE DINING ROOM OF THE PROPERTY KNOWN AS 33 SNOWBERRY COURT, HUNT VALLEY, MARYLAND 21030.

WITNESS OUR HAND AND SEAL ON THE

18 DAY OF SEPTEMBER 1989.

9-18-89
DATE
9-18-89
DATE

RAY BREHM, M.D.
TRACY BREHM, M.D.

SEILAND AND JEDNORSKI, P. A.

ATTORNEYS AT LAW
SUITE 204
25 WEST CHESAPEAKE AVENUE
POST OFFICE BOX 1404
TOWSON, MARYLAND 21204
(301) 321-8200

JOHN O. SEILAND
OF COUNSEL

FAX NO. (301) 296-6947

August 20, 1990

Bebe George, Esquire
7 Lincoln Street
Timonium, Maryland 21093

Re: Petition for Zoning Variance and Appeal
Case No. 90-253A

Dear Ms. George:

This letter is to confirm our telephone conversation of August 8, 1990 concerning settlement of the above listed appeal.

The terms of the settlement are as follows:

1. That the Trommers may install one window in the dining room area of their property known as 33 Snowberry Court.

2. Upon installation of the dining room window, curtains, shades or blinds shall be installed so as to insure the privacy between present and future owners of 33 Snowberry Court and 35 Snowberry Court.

3. No windows shall be installed in the loft/bed room area of 33 Snowberry Court as it faces 35 Snowberry Court.

4. That the Order of the Deputy Zoning Commissioner for Baltimore County, dated February 12, 1990, Case No. 90-253-A, pursuant to the above terms of settlement, shall be amended as follows and incorporated into an Order of the County Board of Appeals of Baltimore County: (a) That the petition for zoning variance to permit a distance between facing windows of 30' in lieu of the required 40' and an amendment to the final development plan of Hunters Run, Block A, Lot 160, accordingly, in accordance with Petitioners Exhibit 1, be and is hereby granted, subject, however, to the following restrictions:

1. The variance granted herein is limited to the installation of one window only, in the dining room area.

Bebe George, Esquire
August 20, 1990
Page 2

2. Petitioners shall at all times have curtains, shades or blinds in the dining room window so as to insure the privacy of both the Petitioners and the Brehms.

3. That the terms of this settlement agreement shall enure to the heirs and assigns of all parties hereto.

A copy of the proposed Order is attached.

Neil Lanzl
J. Neil Lanzl
Seiland and Jednorski, P. A.
25 West Chesapeake Avenue
Suite 204
Towson, Maryland 21204
321-8200

I acknowledge and agree to the terms of the above listed settlement.

WITNESS:

Raymond Brehm, III
Protestant
35 Snowberry Court
Hunt Valley, Maryland 21030
Date: 8-22-90

Tracy Brehm
Protestant
35 Snowberry Court
Hunt Valley, Maryland 21030
Date:

Lori A. Trommer, M.D., Petitioner
33 Snowberry Court
Hunt Valley, Maryland 21030
Date: 8-28-90

Bebe George

UNSTAR REPORT

T/C from Neil Lanzl 321-8200

RE: Appeal scheduled for 8/29/90 (Faust Homes)

Basically, matter has been settled; however, wants to modify Zoning Commissioner's Order.

Had telephoned Zoning and was told that you were the individual to whom his questions should be directed. What they plan on doing is presenting to the Board documentation regarding settlement/agreed to by all and he needs the direction as to how and if this can be done.

Mr. Lanzl represents the Appellant/protestant, Raymond Brehm.

The Deputy Zoning Commissioner granted petition with restrictions (distance between facing windows).

Please call him at above number. I told him you would probably be in the office early on Wednesday, 8/29 and would ask you to contact him then so he can begin preparing whatever is needed to resolve this matter.

sth

Neil Lanzl
10:00 AM
scheduled on 8/29

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T/C from Neil Lanzl 321-8200

RE: Appeal scheduled for 8/29/90 (Faust Homes)

Basically, matter has been settled; however, wants to modify Zoning Commissioner's Order.

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Mr. Lanzl represents the Appellant/protestant, Raymond Brehm.

The Deputy Zoning Commissioner granted petition with restrictions (distance between facing windows).

Please call him at above number. I told him you would probably be in the office early on Wednesday, 8/29 and would ask you to contact him then so he can begin preparing whatever is needed to resolve this matter.

sth

Neil Lanzl
10:00 AM
scheduled on 8/29

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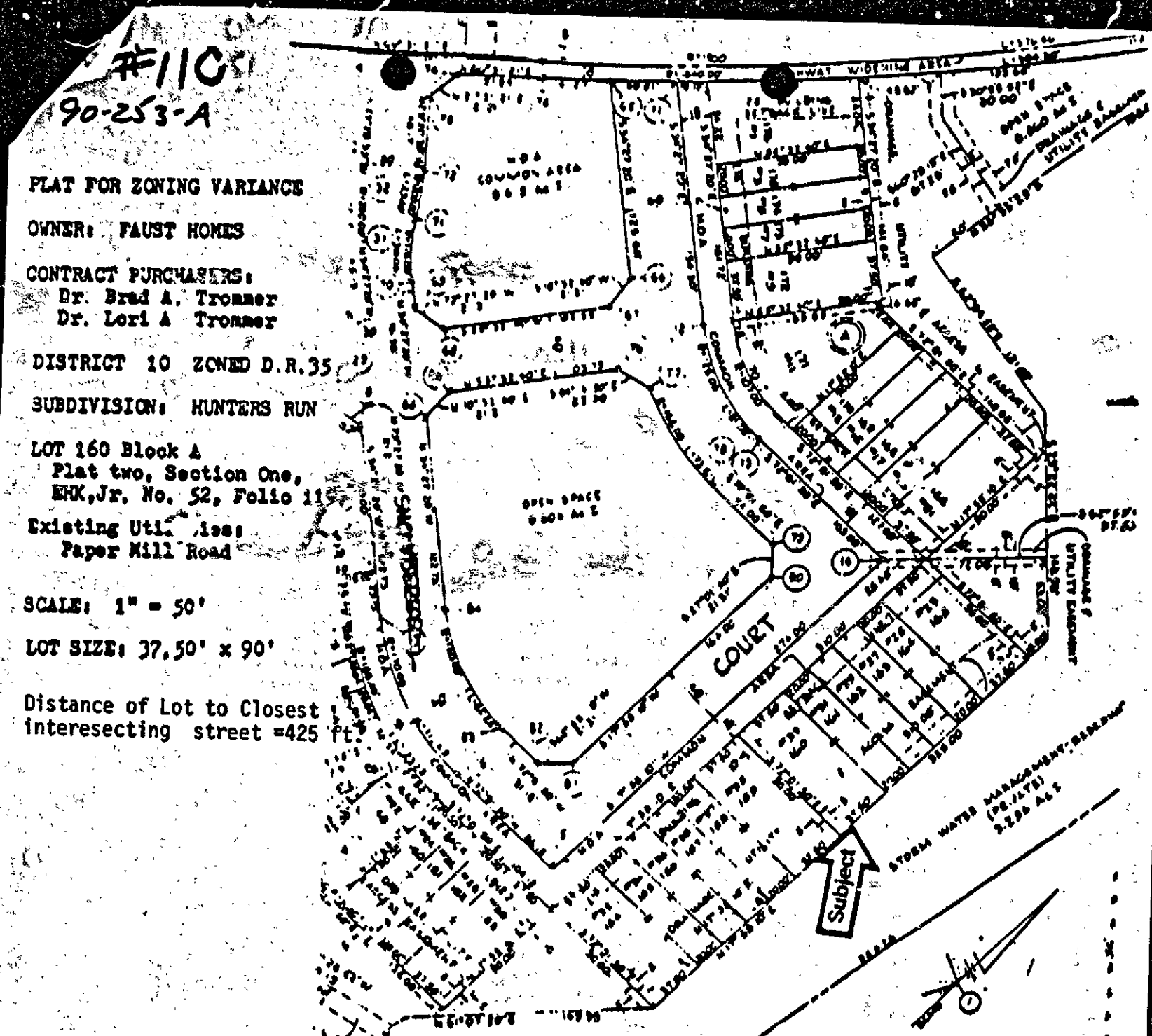
sth

Neil Lanzl
10:00 AM
scheduled on 8/29

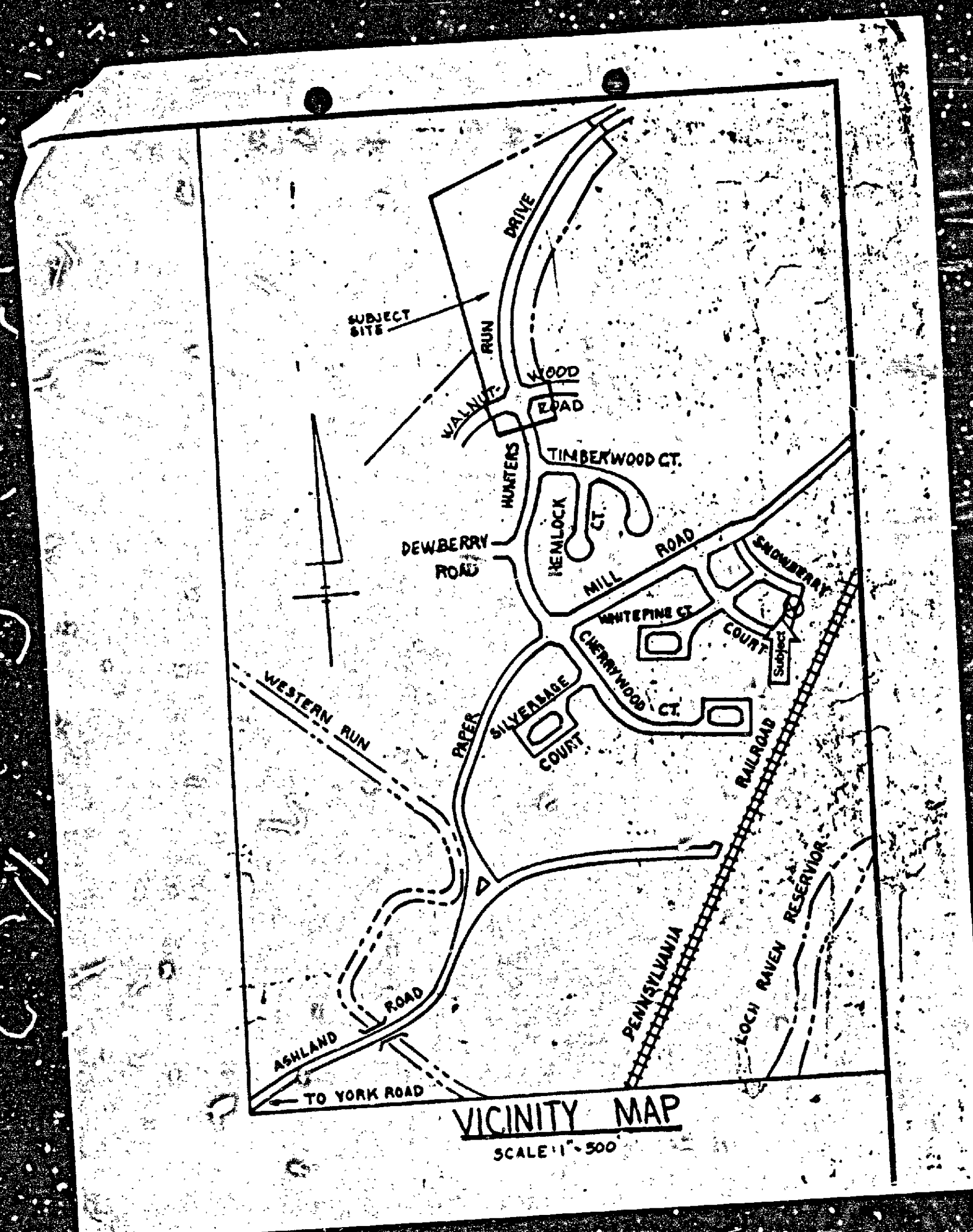
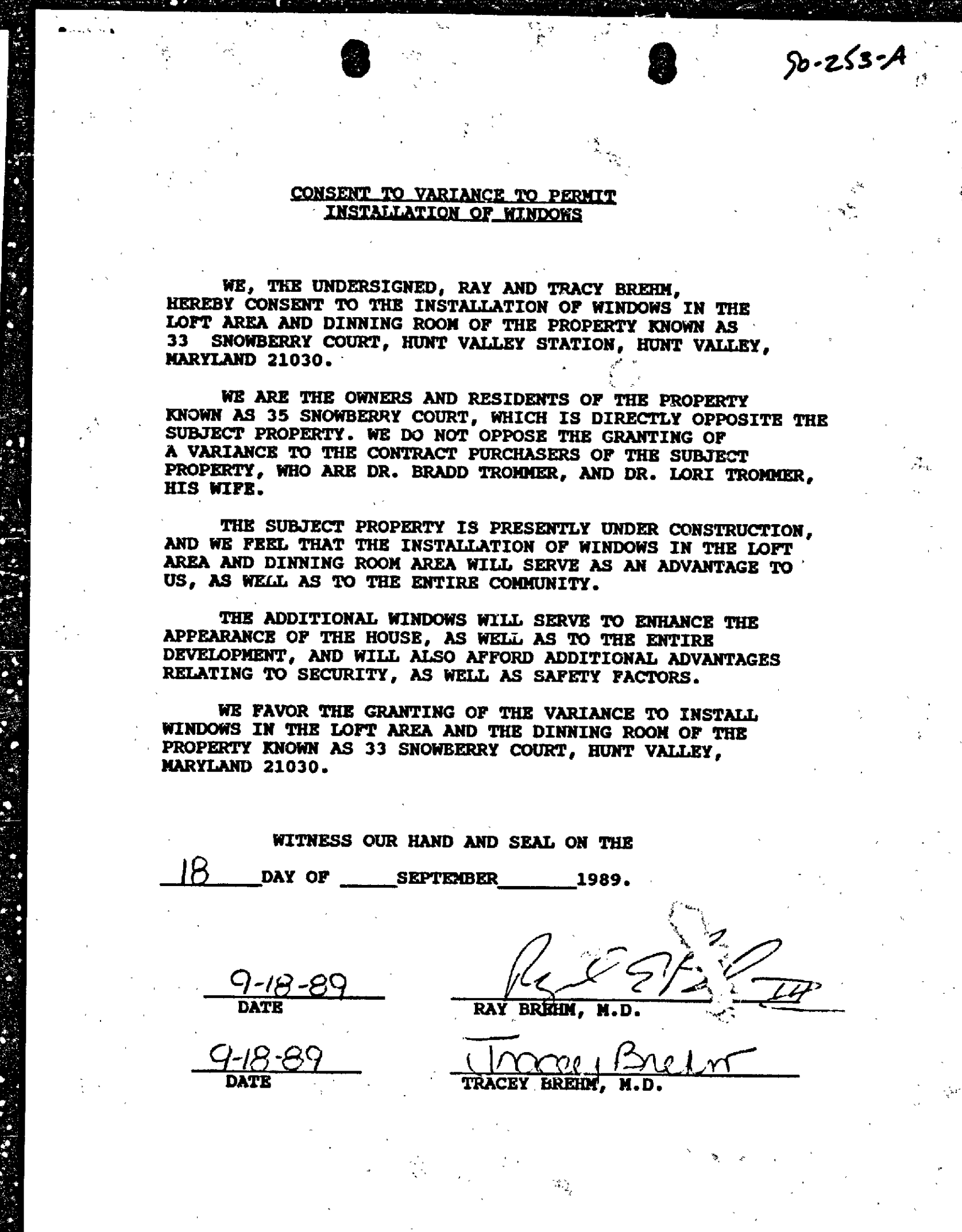
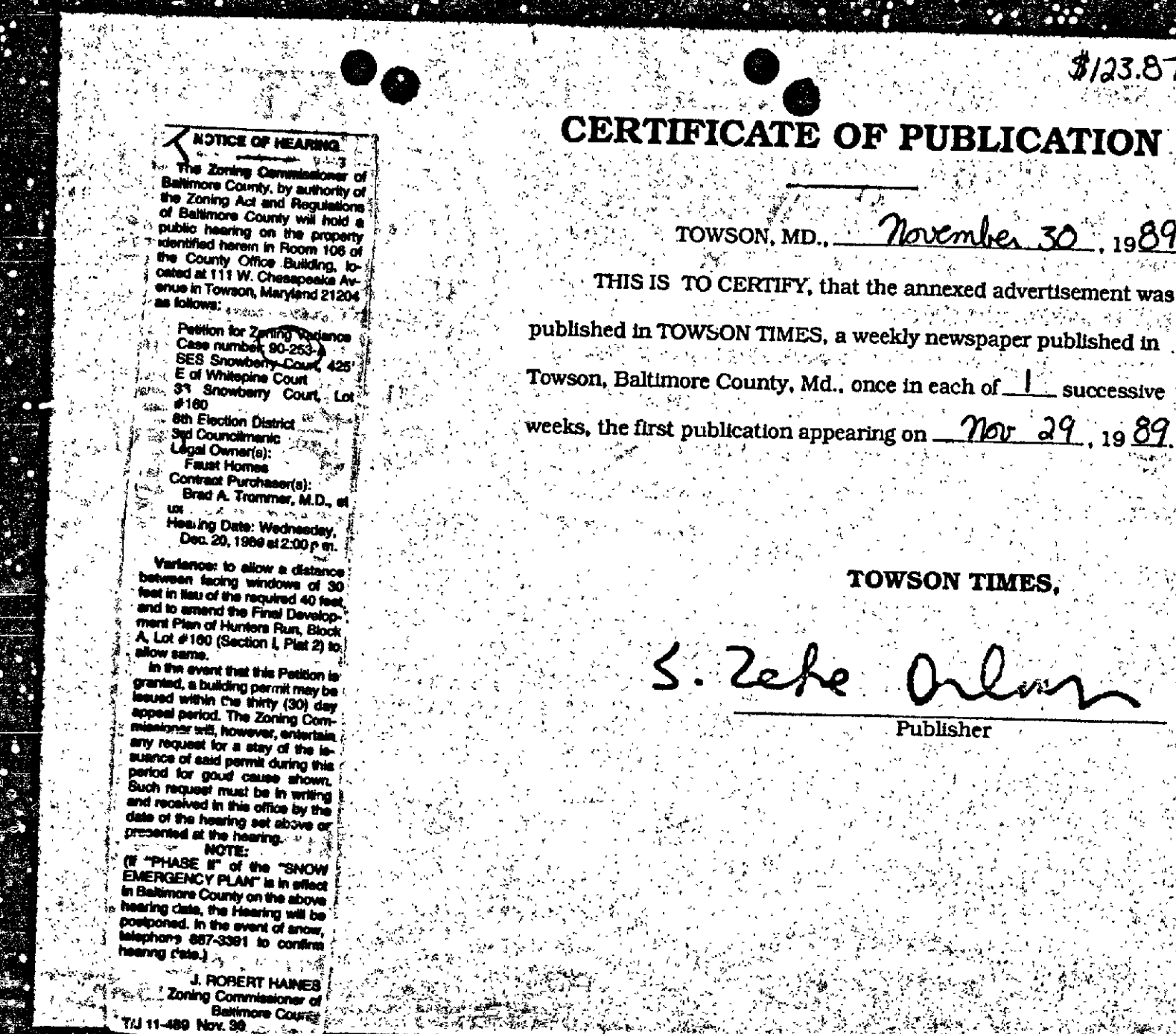
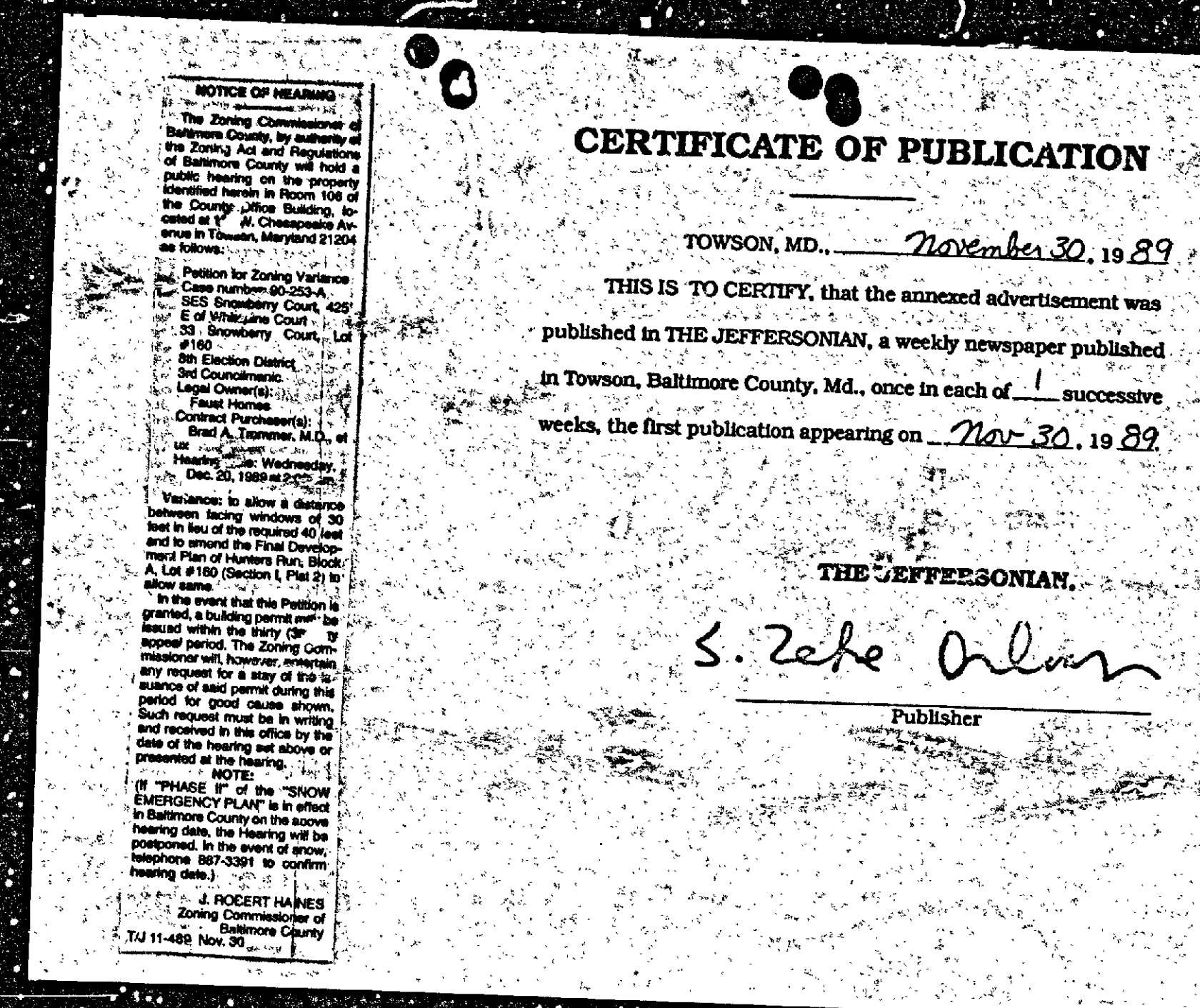
Had telephoned Zoning and was told that



LOTS 160-165, BLK. "A"
GRADING PLAN
SECTION ONE
HUNTERS RUN
(FORMERLY TOWNSON NURSERIES)
BALTO. CO. MD. ELEC. DIST. # 1
SCALE 1"=30' MAY 9, 1988



TABULATION		PLAT 1 SECTION 1	
1. NAME OF VESSEL	2. DATE	3. NAME OF VESSEL	4. DATE
5. NAME OF VESSEL	6. DATE	7. NAME OF VESSEL	8. DATE
9. NAME OF VESSEL	10. DATE	11. NAME OF VESSEL	12. DATE
13. NAME OF VESSEL	14. DATE	15. NAME OF VESSEL	16. DATE
17. NAME OF VESSEL	18. DATE	19. NAME OF VESSEL	20. DATE
21. NAME OF VESSEL	22. DATE	23. NAME OF VESSEL	24. DATE
25. NAME OF VESSEL	26. DATE	27. NAME OF VESSEL	28. DATE
29. NAME OF VESSEL	30. DATE	31. NAME OF VESSEL	32. DATE
33. NAME OF VESSEL	34. DATE	35. NAME OF VESSEL	36. DATE
37. NAME OF VESSEL	38. DATE	39. NAME OF VESSEL	40. DATE
41. NAME OF VESSEL	42. DATE	43. NAME OF VESSEL	44. DATE
45. NAME OF VESSEL	46. DATE	47. NAME OF VESSEL	48. DATE
49. NAME OF VESSEL	50. DATE	51. NAME OF VESSEL	52. DATE
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57. NAME OF VESSEL	58. DATE	59. NAME OF VESSEL	60. DATE
61. NAME OF VESSEL	62. DATE	63. NAME OF VESSEL	64. DATE
65. NAME OF VESSEL	66. DATE	67. NAME OF VESSEL	68. DATE
69. NAME OF VESSEL	70. DATE	71. NAME OF VESSEL	72. DATE
73. NAME OF VESSEL	74. DATE	75. NAME OF VESSEL	76. DATE
77. NAME OF VESSEL	78. DATE	79. NAME OF VESSEL	80. DATE
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85. NAME OF VESSEL	86. DATE	87. NAME OF VESSEL	88. DATE
89. NAME OF VESSEL	90. DATE	91. NAME OF VESSEL	92. DATE
93. NAME OF VESSEL	94. DATE	95. NAME OF VESSEL	96. DATE
97. NAME OF VESSEL	98. DATE	99. NAME OF VESSEL	100. DATE



90-753A

PROTESTANT(S) SIGN-IN SHEET

NAME	ADDRESS
Ray Beckm	35 Snowberry Ct

CERTIFICATE OF POSTING
ZONING DEPARTMENT OF BALTIMORE COUNTY
Towson, Maryland

90-753-A

District: 8th Date of Posting: 12/4/89

Posted for: Variance

Petitioner: Fant Horna - Brad H. Hammond M.D., also

Location of property: 356 Snowberry Court, East of White pine Ct.

33 Snowberry Ct.


Location of Sign: Facing Snowberry Ct. across N. Frederick

on property of R.H. House

Remarks:

Posted by: [Signature] Date of return: 12/9/89

Number of Signs: 1


COUNTY BOARD OF APPEALS OF BALTIMORE COUNTY
COUNTY OFFICE BUILDING
111 W. CHESAPEAKE AVENUE
TOWSON, MARYLAND 21204
(301) 288-3180
May 3, 1990

HEARING ROOM - Room 301
County Office Building

NOTICE OF ASSIGNMENT

NO POSTPONEMENTS WILL BE GRANTED WITHOUT GOOD AND SUFFICIENT REASONS. REQUESTS FOR POSTPONEMENTS MUST BE IN WRITING AND IN STRICT COMPLIANCE WITH BOARD RULE 2(b). NO POSTPONEMENTS WILL BE GRANTED WITHIN FIFTEEN (15) DAYS OF SCHEDULED HEARING DATE UNLESS IN FULL COMPLIANCE WITH RULE 2(c), COUNTY COUNCIL BILL NO. 59-79.

CASE NO. 90-253-A FAUST HOMES, ET AL
SE/s Snowberry Ct., 425' E of Whitepine Ct.
133 Snowberry Ct.)
8th Election District
3rd Councilmanic District
VAR -windows; amendment - final development plan
2/12/90 - D.Z.C.'s Order GRANTING Petition with restrictions.

ASSIGNED FOR: WEDNESDAY, AUGUST 29, 1990 at 10:00 a.m.


cc: Dr. Raymond Brehm Appellant/Protestant
Bebe George, Esquire Counsel for Petitioners
Drs. Brad A. & Lori A. Trommer Contract Purchasers
People's Counsel for Baltimore County
P. David Fields
Pat Keller
J. Robert Haines
Ann M. Nastarowicz
James E. Dyer
M. Carl Richards, Jr.
V Docket Clerk - Zoning
Arnold Jablon, County Attorney
Lincollee M. Kuzmaul
Legal Secretary

Baltimore County
Zoning Commissioner
Office of Planning & Zoning
Towson, Maryland 21204
(301) 887-3353

J. Robert Haines
Zoning Commissioner

Mr. & Mrs. Brad A. Trommer
5 E. Tweeder Court
Baltimore, Maryland 21224

DEC 14 1980



Dennis F. Rasmussen
County Executive

Re:
Petition for Zoning Variance
CASE NUMBER: 90-253-A
SES Roseberry Court, 425' E of Whitelaple Court
33 Roseberry Court, Lot #160
8th Election District - 3rd Councilmanic
Legal Owner(s): Fawst House
Contract Purchaser(s): Brad A. Trommer, M.D., et ux
HEARING: WEDNESDAY, DECEMBER 24, 1979 at 2:00 p.m.

Dear Mr. & Mrs. Trommer:

Please be advised that \$149.87 is due for advertising and posting of the above captioned property.

THIS FEE MUST BE PAID AND THE HEARING SIGN & S.A. 227(S) RETURNED TO THE BALTIMORE COUNTY ZONING OFFICE PRIOR TO THE HEARING OR THE ORDER SHALL NOT BE ISSUED. DO NOT REMOVE THE SIGN & POST SIGN(S) FROM THE PROPERTY UNTIL THE DAY OF THE HEARING.

Please make your check payable to Baltimore County, Maryland. Bring the check and two (2) self-addressed envelopes to the Zoning Office, County Office Building, 111 W. Chesapeake Avenue, Room 113, Towson, Maryland 21204 (15) before your hearing is scheduled to begin.

J. ROBERT HAINES
ZONING COMMISSIONER
BALTIMORE COUNTY, MARYLAND

JRH:ps

Baltimore County
Zoning Commissioner
Office of Planning & Zoning
Towson, Maryland 21204
(301) 887-3353
J. Robert Haines
Zoning Commissioner

NOTICE OF HEARING

The Zoning Commissioner of Baltimore County, by authority of the Zoning Act and Regulations of Baltimore County will hold a public hearing on the property identified herein in Room 106 of the County Office Building, located at 111 W. Chesapeake Avenue in Towson, Maryland 21204 as follows:

Petition for Zoning Variance
Case No. 90-253-A
33 Snowberry Court, 425' E of Whitepine Court
33 Snowberry Court, Lot #160
8th Election District - 3rd Councilmanic District
Legal Owner(s): Faust Homes
Contract Purchaser(s): Brad A. Trommer, R.D., et ux
HEARING: MONDAY, DECEMBER 20, 1989 at 2:00 p.m.

Variance: To allow a distance between facing windows of 30 feet in lieu of the required 40 feet and to amend the Final Development Plan of Eastern Bay, Block A, Lot #160 (Section 1, Plat 2) to allow same.

In the event that this petition is granted, a building permit may be issued within the thirty (30) day appeal period. The Zoning Commissioner will, however, entertain any request for a stay of the issuance of said permit during this period for good cause shown. Such request must be in writing and received in this office by the date of the hearing set above or presented at the hearing.

J. ROBERT HAINES
Zoning Commissioner of
Baltimore County

JRH:js

Bebe George
ATTORNEY AT LAW
CHARTERED
7 LINCOLN STREET
TIMONIUM, MARYLAND 21093
TELEPHONE: (301) 252-3163

October 6, 1989

J. ROBERT HAINES
ZONING COMMISSIONER FOR BALTIMORE COUNTY
OFFICE OF PLANNING & ZONING
TOWSON, MARYLAND 21204

RE: ITEM #10, 33 SNOWBERRY COURT

DEAR SIR:

PURSUANT TO YOUR LETTER DATED SEPTEMBER 27, 1989, WHICH I RECEIVED THIS DATE, I CERTAINLY WISH TO THANK YOU FOR THE EXPLANATION OF YOUR SCHEDULING PROCEDURES.

I WAS AWARE THAT MY REQUEST WAS SUCH THAT ONLY AN UNFORSEEN CHANGE IN YOUR SCHEDULING CONSTRAINTS WOULD ENABLE YOUR OFFICE TO GRANT SAME.

IN MAKING MY REQUEST FOR AN EARLY HEARING, I FELT THAT IT WOULD BE HELPFUL TO CONVEY THE CIRCUMSTANCES UNDER WHICH THE PETITION WAS BEING FILED. HOWEVER, IT WAS NOT MY INTENT TO MAKE AN UNREASONABLE REQUEST, AND REGRET ANY INCONVENIENCE THIS MAY HAVE CAUSED YOUR OFFICE.

CONSIDERING THE GREAT NUMBER OF PETITIONS BEING FILED, I DO APPRECIATE THE OPPORTUNITY FOR A HEARING AT THE EARLIEST POSSIBLE DATE IN DECEMBER, AS YOU HAVE INDICATED.

SINCERELY,
Bebe George
BEBE GEORGE, ESQ.

C.C. DR. BRAD TROMMER,
DR. LORIE TROMMER

RECEIVED
OCT 6 1989
ZONING OFFICE

Bebe George
ATTORNEY AT LAW
CHARTERED
7 LINCOLN STREET
TIMONIUM, MARYLAND 21093
TELEPHONE: (301) 252-3163

September 19, 1989

J. ROBERT HAINES,
ZONING COMMISSIONER,
BALTIMORE COUNTY

RE: PETITION FOR ZONING VARIANCE
PROPERTY KNOWN AS: 33 SNOWBERRY COURT
HUNT VALLEY STATION, HUNT VALLEY, MD. 21030

DEAR COMMISSIONER:

AN APPOINTMENT HAS BEEN SCHEDULED WITH *JOHN SULLIVAN* ~~CHARLOTTE RADCLIFFE~~, ROOM 113, SEPTEMBER 20, 1989, AT 2:00 PM, FOR PURPOSES OF ALLOWING ME AN OPPORTUNITY TO SUBMIT THE SUBJECT PETITION.

I RESPECTFULLY REQUEST THAT AN EARLY HEARING DATE BE SCHEDULED FOR THE SUBJECT PETITION.

THE REASON FOR MY REQUEST IS THAT THE SUBJECT PROPERTY IS BEING BUILT AT THE PRESENT TIME, BY FAUST HOMES. THE PROJECT MANAGER OF FAUST HOMES HAS INFORMED ME THAT HE MUST COMPLY STRICTLY WITH HIS BUILDING SCHEDULES, AND THAT HE IS NOT PERMITTED TO DELAY OR POSTPONE THE SCHEDULES OF ANY ONE HOUSE IN THE DEVELOPMENT, FOR ANY REASON.

ROBERT MADURA HAS INFORMED ME THAT HE WILL BE AT THE POINT WHERE THE WINDOWS MUST BE PLACED IN THE LOFT AND DINING ROOM, ON OR BEFORE OCTOBER 20, 1989.

THE HEARING WILL BE VERY BRIEF, AND WILL NECESSITATE LESS THAN ONE-HALF (1/2) HOUR. ATTACHED HERETO IS AN EXECUTED CONSENT FROM THE PROPERTY OWNERS DIRECTLY OPPOSITE THE AREA OF THE SUBJECT PROPERTY IN WHICH THE SUBJECT WINDOWS WILL BE INSTALLED, AND THEREFORE, WE DO NOT EXPECT OPPOSITION TO THIS REQUEST.

IT IS RESPECTFULLY REQUESTED THAT CONSIDERATION BE GIVEN TO THIS APPEAL ON BEHALF OF THE CONTRACT PURCHASERS OF THE SUBJECT PROPERTY.

RESPECTFULLY SUBMITTED,
Bebe George
BEBE GEORGE, ESQ.

ENCL.

TO THE ZONING COMMISSIONER OF BALTIMORE COUNTY

ATTACHMENT FOR PETITION FOR ZONING VARIANCE

PROPERTY KNOWN AS: 33 SNOWBERRY COURT, HUNT VALLEY STATION, HUNT VALLEY, MD. 21030
ZONING: DR 35

LEGAL DESCRIPTION:

BEING KNOWN AND DESIGNATED AS LOT NO. 160, BLOCK A, AS SHOWN ON THE PLAT ENTITLED "PLAT TWO, SECTION ONE, HUNTER'S RUN", WHICH PLAT IS RECORDED AMONG THE LAND RECORDS OF BALTIMORE COUNTY IN PLAT BOOK EHK, JR. NO 52, FOLIO 119.

BEING ONE OF THE SAME LOTS DESCRIBED IN A DEED DATED APRIL 28, 1988 AND RECORDED AMONG THE LAND RECORDS OF BALTIMORE COUNTY IN LIBER 7871 FOLIO 194, WHICH WAS GRANTED AND CONVEYED BY VICTOR POSNER, BY MELVIN R. COLVIN, HIS ATTORNEY IN FACT, UNTO THE PARTY OF THE FIRST PART.

Dear Zoning Commissioner,
I would like to request an appeal in the
Petition for Zoning Variance Case No. 90-253-A. Enclosed
are fees for appeal and a signature.
Very Truly Yours,
Raymond E. Brehm III

Raymond E. Brehm III

35 Snowberry Ct.

Hunt Valley, MD 21030

@ 577-1544

RECEIVED

Baltimore County
Zoning Commissioner
County Office Building
111 West Chesapeake Avenue
Towson, Maryland 21204

Account R-001-6150
Number

receipt
1611

3/06/90

APR000042

APPEAL FEES

140 - OF ALL OTHER ORDERS

150 - POSTING SIGNS / ADVERTISING

LAST NAME OF OWNER: FAUST HOMES

TOTAL: \$150.00

8 180*****150001a 5076F

Please make checks payable to: Baltimore County

Baltimore County
Zoning Commissioner
Office of Planning & Zoning
Towson, Maryland 21204
(301) 887-3353
J. Robert Haines
Zoning Commissioner

February 12, 1990

Bebe George, Esquire
7 Lincoln Street
Timonium, Maryland 21093

RE: PETITION FOR ZONING VARIANCE
SE/S Snowberry Court, 425' E of Whitepine Court
(33 Snowberry Court)
8th Election District - 3rd Councilmanic District
Brad A. Trommer, M.D., et ux - Petitioners
Case No. 90-253-A

Dear Ms. George:

Enclosed please find a copy of the decision rendered in the above-captioned matter. The Petition for Zoning Variance has been granted in accordance with the attached Order.

In the event any party finds the decision rendered is unfavorable, any party may file an appeal to the County Board of Appeals within thirty (30) days of the date of this Order. For further information on filing an appeal, please contact Ms. Charlotte Radcliffe at 887-3391.

Very truly yours,

ANN:bjs

cc: Dr. & Mrs. Raymond Brehm

35 Snowberry Court

Hunt Valley, Maryland 21030

People's Counsel

File

ANN M. NASTAROWICZ
Deputy Zoning Commissioner
for Baltimore County

Baltimore County
Zoning Commissioner
Office of Planning & Zoning
Towson, Maryland 21204
(301) 887-3353
J. Robert Haines
Zoning Commissioner

March 1, 1990

Baltimore County Board of Appeals
County Office Building, Room 315
Towson, Maryland 21204

RE: Petition for Zoning Variance
SE/S Snowberry Court, 425' E of Whitepine Court
(33 Snowberry Court)
8th Election District, 3rd Councilmanic District
FAUST HOMES, ET AL - Petitioners
Case No. 90-253-A

Dear Board:

Please be advised that an appeal of the above-referenced case was filed in this office on February 12, 1990 by Raymond E. Brehm III, Protestant. All materials relative to the case are being forwarded herewith.

Please notify all parties to the case of the date and time of the appeal hearing when it has been scheduled. If you have any questions concerning this matter, please do not hesitate to contact this office.

Very truly yours,
J. Robert Haines
J. ROBERT HAINES
Zoning Commissioner

JRH:cer

Enclosures

cc: Drs. Brad A. & Lori A. Trommer
33 Snowberry Court, Hunt Valley, MD 21030

Bebe George, Esquire
7 Lincoln Street, Timonium, MD 21093

Dr. Raymond Brehm, 35 Snowberry Court, Hunt Valley, MD 21030

People's Counsel of Baltimore County
Rm. 304, County Office Bldg., Towson, Md. 21204

APPEAL
Petition for Zoning Variance
SE/S Snowberry Court, 425' E of Whitepine Court
(33 Snowberry Court)
8th Election District - 3rd Councilmanic District
FAUST HOMES, ET AL - Petitioners
Case No. 90-253-A

Petition for Zoning Variance

Description of Property

Certificate of Posting

Certificate of Publication

Entry of Appearance of People's Counsel

Zoning Plans Advisory Committee Comments

Director of Planning & Zoning Comments

Petitioner's Exhibits: 1. Plan to accompany Zoning Variance

2. Photocopy of Deed

Deputy Zoning Commissioner's Order: dated February 12, 1990 - Granted with restrictions

Notice of Appeal received February 21, 1990 from Mr. Raymond E. Brehm III, Protestant

cc: Drs. Brad A. & Lori A. Trommer

33 Snowberry Court, Hunt Valley, MD 21030

Bebe George, Esquire

7 Lincoln Street, Timonium, MD 21093

Dr. Raymond Brehm, 35 Snowberry Court, Hunt Valley, MD 21030

People's Counsel of Baltimore County

Rm. 304, County Office Bldg., Towson, Md. 21204

Request Notification: P. David Fields, Director of Planning & Zoning

Patrick Keller, Office of Planning & Zoning

J. Robert Haines, Zoning Commissioner

Ann M. Natarowicz, Deputy Zoning Commissioner

James E. Dyer, Zoning Supervisor

W. Carl Richards, Jr., Zoning Coordinator

Docket Clerk

Arnold Jablon, County Attorney

BALTIMORE COUNTY ZONING PLANS ADVISORY COMMITTEE

December 14, 1989

COUNTY OFFICE BLDG.
111 W. Chesapeake Ave.
Towson, Maryland 21204

Bebe George, Esquire
7 Lincoln Street
Timonium, MD 21093

RE: Item No. 110, Case No. 90-253-A
Petitioner: Faust Homes, et al
Petition for Zoning Variance

Dear Ms. George:

The Zoning Plans Advisory Committee has reviewed the plans submitted with the above referenced petition. The following comments are not intended to indicate the appropriateness of the zoning action requested, but to assure that all parties are made aware of plans or problems with regard to the development plans that may have a bearing on this case. Director of Planning may file a written report with the Zoning Commissioner with recommendations as to the suitability of the requested zoning.

Enclosed are all comments submitted from the members of the Committee at this time that offer or request information on your petition. If similar comments from the remaining members are received, I will forward them to you. Otherwise, any comment that is not informative will be placed in the hearing file. This petition was accepted for filing on the date of the enclosed filing certificate and a hearing scheduled accordingly.

IT WOULD BE APPRECIATED IF YOU WOULD RETURN YOUR WRITTEN COMMENTS TO MY OFFICE, ATTENTION JULIE WINIARSKI. IF YOU HAVE ANY QUESTIONS REGARDING THIS, PLEASE CONTACT HER AT 887-3391.

Very truly yours,
James E. Dyer
JAMES E. DYER
Chairman
Zoning Plans Advisory Committee

JED:jw

Enclosures

cc: Mr. Brad A. Trommer, M.D.
5 E. Teacher Court
Baltimore, MD 21234

Baltimore County
Zoning Commissioner
Office of Planning & Zoning
Towson, Maryland 21204
(301) 887-3353

J. Robert Haines
Zoning Commissioner

DECEMBER 15 1989

Received By:

James E. Dyer
Chairman,
Zoning Plans Advisory Committee

Petitioner: Faust Homes, et al
Petitioner's Attorney: Bebe George

BALTIMORE COUNTY, MARYLAND

INTER-OFFICE CORRESPONDENCE

TO: J. Robert Haines
Zoning Commissioner

FROM: Pat Keller, Deputy Director
Office of Planning and Zoning

DATE: December 7, 1989

SUBJECT: Faust Homes, Item 110
Zoning Petition No. 90-253

The Petitioner requests a variance to permit a distance between facing windows of 30 ft. in lieu of the required 40 ft., and to amend the Final Development Plan of Hunters Run.

Based on an analysis of the site plan provided, staff recommends the petitioner's request be granted; however, the following comment is offered regarding the contract purchaser's stated hardship:

While staff can not comment on the medical aspects of the hardships indicated, the psychological/physiological impact of living in an exterior unit without windows is no different than living in an interior unit.

If there should be any further questions or if this office can provide additional information, please contact Jeffrey Long in the Office of Planning at 887-3211.

PK/JL/cmm

Baltimore County
Department of Public Works
Bureau of Traffic Engineering
County Office Building
Towson, Maryland 21204
(301) 887-3554

November 9, 1989

RECEIVED
NOV 16 1989
ZONING OFFICE

Dear Mr. Haines:

The Bureau of Traffic Engineering has no comments for items number 110, 111, 112, 113, 114, 115, 116, 117, and 118.

Very truly yours,
Michael S. Flanagan
Michael S. Flanagan,
Traffic Engineer Associate II

MSF/lab

Baltimore County
Fire Department
800 York Road
Towson, Maryland 21204-2536
(301) 887-4500

Paul H. Reincke
Chief

OCTOBER 9, 1989

J. Robert Haines
Zoning Commissioner
Office of Planning and Zoning
Baltimore County Office Building
Towson, MD 21204

RE: Property Owner: FAUST HOMES
Location: SES SNOWBERRY COURT
Item No.: 110
Zoning Agenda: OCTOBER 10, 1989

Gentlemen:

Pursuant to your request, the referenced property has been surveyed by this Bureau and the comments below are applicable and required to be corrected or incorporated into the final plans for the property.

5. The buildings and structures existing or proposed on the site shall comply with all applicable requirements of the National Fire Protection Association Standard No. 101 "Life Safety Code", 1988 edition prior to occupancy.

REVIEWER: *Carl J. Kelly* 10/10/89
Planning Group
Special Inspection Division

Noted and Approved
Carl J. Kelly
File Prevention Bureau

JK/EEK

Bebe George
ATTORNEY AT LAW
CHARTERED
7 LINCOLN STREET
TIMONIUM, MARYLAND 21093
TELEPHONE: (301) 252-9183

DECEMBER 22, 1989

ANN NASTAROWICZ, ESQ.,
DEPUTY ZONING COMMISSIONER
OFFICE OF PLANNING AND ZONING
BALTIMORE COUNTY OFFICE BUILDING
TOWSON, MARYLAND 21204

RE: ITEM NO. 110
LOT 160, 33 SNOWBERRY COURT
PETITIONERS: BRAD AND LAURIE TROMMER, M.D.
HEARING: DECEMBER 20, 1989

DEAR DEPUTY COMMISSIONER:

PLEASE ACCEPT THE FOLLOWING TO BE SUBMITTED INTO THE CAPTIONED CASE FOR YOUR CONSIDERATION:

MEMORANDUM OF LAW AND FACTS.

THIS PLEADING HAS BEEN SENT VIA CERTIFICATE OF SERVICE TO RAY BREHM.

ENCL.

C.C. BRAD AND LAURIE TROMMER, M.D.

BRAD TROMMER, M.D. AND
LAURIE TROMMER, M.D.

PETITIONERS

LOCATION:
33 SNOWBERRY COURT,
LOT NO. 160

BEFORE THE
ZONING COMMISSIONER OF
BALTIMORE COUNTY

J. ROBERT HAINES, COMMISSIONER

ITEM NO. 110

HEARING DATE: DECEMBER 20, 1989

BEFORE ANN NASTAROWICZ, ESQ.,
DEPUTY ZONING COMMISSIONER

MEMORANDUM OF LAW AND FACTS

PETITIONERS, BRAD TROMMER, M.D., AND LAURIE TROMMER, M.D., HIS WIFE, BY THEIR ATTORNEY, BEBE GEORGE, ESQ., RESPECTFULLY SUBMIT ADDITIONAL ELEMENTS AND FACTS RELEVANT TO THE CAPTIONED HEARING, AS FOLLOWS:

1. THAT A CONSENT BY ADJACENT PROPERTY OWNERS, TO PERMIT THE VARIANCE AND THE INSTALLATION OF WINDOWS, WAS SUBMITTED TOGETHER WITH ALL RELEVANT AND REQUIRED DOCUMENTS AND EXHIBITS.
2. THAT THE SAID CONSENT WAS EXECUTED UNDER SEAL BY RAY BREHM AND TRACEY BREHM, HIS WIFE, WHO RESIDE IN THE PROPERTY KNOWN AS 35 SNOWBERRY COURT, ON SEPTEMBER 18, 1989.
3. THAT RAY BREHM AND TRACEY BREHM EXECUTED THE CONSENT UNDER SEAL, MORE THAN THREE (3) MONTHS PRIOR TO THE HEARING.
4. THAT THE PETITIONERS WERE NEVER GIVEN NOTICE BY THE PROTESTANTS, THAT THEY INTENDED TO APPEAR AND CONTRADICT THE MATTERS TO WHICH THEY HAD AGREED UNDER SEAL ON SEPTEMBER 18, 1989.

DEED - FEE SIMPLE - CORPORATE GRANTOR - LONG FORM
FORM NO. - FTS-05

POSNER'S DEED

This Deed, MADE THIS 12th day of December

in the year one thousand nine hundred and eighty-nine by and between

FAUST HOMES, INC.

of the State of Maryland, party of the first part, and

BRAD A. TROMMER and LORI A. TROMMER, his wife, parties of the second part.

WITNESSETH That in consideration of the sum of TWO HUNDRED ONE THOUSAND TWO HUNDRED EIGHTY AND 00/100THS-----DOLLARS (\$201,280.00), the receipt of which is hereby acknowledged

the said party of the first part

do hereby grant and convey to the said parties of the second part, as tenants by the entireties, their heirs and assigns, the survivor of them and the survivor's heirs

personal representatives/assigns and assigns in fee simple, all that lot of ground situate in Baltimore County, Maryland and described as follows, that is to say:

BEING KNOWN AND DESIGNATED as Lot Number 160 as shown on the Plat entitled "PLAT TWO, SECTION ONE, HUNTERS RUN", which plat is recorded among the Land Records of Baltimore County in Plat Book No. 52 Folio 113. The improvements thereon being known as 33 Snowberry Court.

BEING one of the lots of ground which by deed dated April 28, 1988 and recorded among the Land Records of Baltimore County in Liber 7871 Folio 194 was granted and conveyed by VICTOR POSNER (by MELVIN R. COLVIN, his Attorney-in-fact) unto the said party party of the first part.